

REMARKS/ARGUMENTS:**I. Introduction**

In the Office Action mailed on November 10, 2006, the Examiner rejected claims 1 to 3, 7, 8, and 10 to 22 and objected to claims 4 to 6 and 9. The present amendment cancels no claims, amends claims 1, 8 and 22, and adds new claim 23. Accordingly, claims 1 to 23 are now pending in this application.

II. Claim Rejections based on 35 U.S.C. § 112

The Examiner rejected claim 8 under 35. U.S.C. § 112 as being indefinite because there is insufficient antecedent basis for "the secondary arm".

Claim 8 has been amended in light of the Examiner's rejection under 35. U.S.C. § 112. Specifically, claim 8 is made dependent on claim 3 and the feature of original claim 7 has been incorporated into claim 8.

III. Claim Rejections Based on 35 U.S.C. § 103(a)

The Examiner rejected claims 1 to 3, 7, 8, 10 to 16 21, and 22 under 35. U.S.C. § 103(a) as unpatentable over Lee (US 6,135,948).

Claim 1 has been amended to stipulate that, in the rest state of the operating mechanism, the mirror adopts a non-deployed state.

New Claim 23 has been added. Support for this amendment may be found generally in the description in paragraphs 33 to 41 and with reference in particular to Figures 1, 2, 4 and 5, and more particularly from paragraphs 40 and 41.

With regard to the claim rejections under 35. U.S.C. § 103(a), Applicant respectfully disagrees with the Examiner's interpretation of Lee. Applicant agrees with the Examiner that Lee discloses a laryngoscope having a blade and a deployable mirror wherein the mirror is pivotable with respect to the blade. Significantly, however, in the Lee device, the deployment of the mirror and the pivoting of the mirror are performed by two separate operating mechanisms in two separate operations. The first operating mechanism comprises the pivoting handle 32

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which acts to deploy the mirror 20. The second operating mechanism is the mirror angle adjustment knob 58 which alters the angle of the mirror.

Applicant respectfully submits that neither of the operating mechanisms disclosed by Lee are spring biased to adopt a rest state in which the mirror adopts a non-deployed state. For example, as can be seen from Figure 7 of Lee, once the pivoting handle 32 is in the position which causes the mirror to be deployed, it is not under any spring bias to return to the rest position (shown in Figure 5) in which the mirror is non-deployed.

Further, in order to pivot the mirror, Lee teaches that adjustment knob 58 is activated. This is a separate operation to the pivoting of the pivoting handle 32 and is not performed against any spring bias. Hence, when knob 58 is released, it remains in its position at the time of release.

In contrast, Claim 1 stipulates that the operation of the operating mechanism that causes the mirror to be deployed (the "initial operation") is performed from the rest state against the spring bias, and that the further operation of the operating mechanism, from the rest state, which causes the mirror to be pivoted is also performed against the spring bias.

It is respectfully submitted therefore that Claim 1 is novel over Lee by virtue of at least the following features:

- A. The operating mechanism is spring biased to adopt a rest state in which the mirror adopts a non-deployed state;
- B. An initial operation of the operating mechanism from the rest state which causes the mirror to be deployed is performed against said spring bias; and
- C. Further operation of the operating mechanism from said rest state which causes the mirror to be pivoted with respect to the blade is also performed against said spring bias.

The advantage of the laryngoscope of Claim 1 is that the mirror can be deployed and pivoted by a simple operation of the operating mechanism away from the rest state against the spring bias. The spring bias allows the operating mechanism to return to its rest state when a user releases the operating mechanism. As a result, the mirror can be deployed, adjusted and

returned to its non-deployed state without requiring the user to perform any relatively dextrous operations e.g. activating two operating mechanisms as is required by Lee and/or effecting both a pushing and pulling motion as is also required by Lee.

With regard to obviousness, Lee does not disclose or suggest Features A to C above. Moreover, because Lee uses two separate operating mechanisms (the pivoting handle 32 and the knob 58), the Lee laryngoscope could not readily be modified to incorporate Features A to C and so is technically incompatible with the laryngoscope of Claim 1.

It is respectfully submitted therefore that Claim 1 is novel over Lee and is not obvious over the teaching of Lee alone, or in combination with any of the other cited prior art documents. For similar reasons, it is respectfully submitted that the dependent claims, and independent Claim 22, which is of comparable scope to Claim 1, are also both novel and non-obvious.

IV. CONCLUSION

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is found that the present amendment does not place the application in a condition for allowance, applicant's undersigned attorney requests that the examiner initiate a telephone interview to expedite prosecution of the application. If there are any fees resulting from this communication, please charge same to our Deposit Account No. 16-2326.

Respectfully submitted,



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